REQUESTING WIRELESS PHASE I & II

MARYLAND

9-1-1

EMERGENCY NUMBER SYSTEMS BOARD

December 2002

STATE OF MARYLAND

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES

Emergency Number Systems Board

WIRELESS PHASE I/II REQUEST IMPLEMENTATION PACKET

1. **Wireless 9-1-1 Check List**

   National Emergency Number Association (NENA) checklist for implementation of Phase I Wireless 9-1-1 service. The following are important steps:

   - Discuss your plans and establish your PSAP's Phase I readiness with Verizon (ANI capable of accepting wireless data)
   - Send wireless carriers Phase I request letters via certified mail
   - Meet with wireless carriers to plan implementation and identify contact personnel
   - Maryland is utilizing a **NCAS** solution for Wireless ANI/ALI
   - **Maryland is a non-cost recovery state – do not enter into a contract with a wireless vendor that includes any payments for 9-1-1 service ($.10 Trust Fund will not cover these payments)**
   - Monitor implementation progress
   - **Do not ask for Phase II until you are ready – requires mapping ability of ALI Information (Lat/Long Coordinates)**

2. **List of Major Wireless Carriers and Sample Request Letters**

   Requests for Phase I/II notification need only be made to the major carriers since smaller wireless carriers utilize the infrastructure of the major carriers to provide their service.

3. **Copy of FCC Guidelines for Filing Implementation Violations After the Required Six-Month Deployment Phase Expires**

   Even without filing a formal complaint the FCC can help mediate disputes or delays hampering the implementation of Phase I/II by the wireless carriers.

4. **Example Policy for Handling 9-1-1 Wireless Disconnected Calls**

   This example policy utilized in Anne Arundel County provides guidance for Calltakers in making appropriate efforts to reestablish contact with the disconnected wireless caller. If contact cannot be reestablished, the policy should provide for a method to create a permanent record of the wireless call and the callback attempts.

WIRELESS PHASE I/II REQUEST INFORMATIONAL POINTS

- **Describe the process that Anne Arundel County went through as the test site for Wireless Phase I/II Implementation**

    - **Focus on what was needed to start the process (Verizon requirements)**
    - **Any problems encountered during the notification process**
    - **Discuss meeting with Vendors and Legal Office involvement**
    - **Establishing contact personnel with wireless companies and the PSAP**
    - **How you established "Project Management" in the PSAP**

- **Discuss the efforts made by several of the Wireless Vendors to have you enter into agreements for cost recovery (Ed Mullikin can help)**

    - **New legislation to be submitted by State of Maryland and the Wireless Industry (Scott Whitney can add to discussion)**
    - **Some Wireless Companies have added their own 9-1-1 surcharge to their customer's bills – you may receive inquiries**

- **Discuss efforts to become Phase II ready**

    - **Accuracy of Lat/Long information received**
    - **What type of mapping effort is needed concerning the development of accurate street centerline data**
    - **Plant equipment solutions**
    - **Mapping is not required to receive Phase II data – in those rare instances when you need to find the location of a wireless caller even the internet has web sites that can help you**

- **Discuss policy issues that need to be addressed when Call Takers begin receiving calls**

    - **Phase I issues – the new format of the ANI/ALI screen**
    - **Phase II issues – further information added to ANI/ALI screen and how to identify if you are receiving Phase I or Phase II information**

- **Discuss resolution of six-month implementation issues with the wireless carries**

    - **We may experience delays in implementation with the wireless industry that is not found in states with cost recovery (Scott Whitney and John Crabill can add to discussion)**
    - **Don't let implementation delays be of your own making due to inattention to process or detail**
    - **Don't let procrastination on any front impede your progress**

<u>BE SURE TO KEEP A THOROUGH PAPER TRAIL OF THE PROCESS</u>

Wireless 9-1-1 Checklist

This checklist is provided as a tool to assist 9-1-1 authorities in the implementation of Phase I Wireless 9-1-1 service. NENA makes no claim that this is an all-encompassing list, nor that the steps are listed in the order that applies to every PSAP. The expectation is that each PSAP authority that undertakes the implementation of Wireless 9-1-1 service will customize the list as their circumstances dictate. Over time, we would hope that members add steps that may have been omitted.

STEP1 Initial Decision

Determine that you want to implement Phase 1 Wireless 9-1-1 Service. In making this decision consider the following:

a) For this step you are not making a final decision. You should be looking at the operational side of the house such as equipment, staffing, and the idiosyncrasies of wireless calls, etc.

b) This initial decision may be based more on political considerations than on facts and figures.

c) Keep in mind that wireless emergency calls tend to take longer than wireline calls, due largely to the inability of the caller to give an exact location.

d) You will typically receive far more calls per incident on wireless than on wireline.

e) If you are the dispatching agency for emergency services in your area, you are already receiving at least some of these calls. They may be coming to you through some other agency (e.g. State or County Police) and may be filtered, but they are coming into your center.

f) If you are not taking any wireless calls right now, your PSAP will probably get bigger. You may only need a couple more trunks, or you may need additional answering positions and personnel to staff them, but you will grow.

g) Some money now will save a lot of money later. The implementation of wireless 9-1-1 technology will reduce the average handling time per call, freeing your call takers to answer more calls. Wireless 9-1-1 calls are growing each year as the number of wireless phones continues to increase. If you do not implement Wireless 9-1-1, the cost of additional call takers and answering positions will soon surpass the costs associated with Phases I and II.

h) All 9-1-1 systems differ slightly, due to the differences in demographics, political climate, funding mechanisms, configurations, PSAP CPE technology, GIS capability and 9-1-1 service provider technology from one county to the next and from state to state. Because of this, there are no national seminars or reference models that address all the subtleties and nuances of your particular PSAP or system. You will be using what are, essentially, off-the-shelf items to implement Wireless 9-1-1, but finding a model exactly like yours to follow will be extremely difficult. You will have to address all the issues.

i) If you are fairly sure that your system or PSAP will choose to proceed, go to the next step.

STEP2 Initial 9-1-1 Service Provider (LEC) Contacts

Contact the technical representative from your 9-1-1 service provider. You need to determine that company's ability to provide Wireless 9-1-1 services and their preferred technology.

a) From this conversation, you should look to determine the impact, if any, on your CPE, trunk configuration, ALI display format and/or computer aided dispatch system, as well as any options that might be available to you.

b) If your 9-1-1 provider will meet with you before you send the letters requesting Phase I service, (most will) then you might include this meeting as part of the first step.

c) Remember that there is no provision, in any legislation, that requires you to blindly accept the service in the manner they (the carriers and/or the 9-1-1 service provider) prefer to provide it. You do have choices and there are provisions for settling disputes, which, hopefully, will not be needed.

STEP 3 Notifications

Determine who the wireless providers in your area are and:

a) Send the wireless carriers certified letters, indicating that you want to begin negotiations to accept wireless Phase I 9-1-1 calls. (Note that nowhere is the term contract used.)

b) Include a date for the first planning meeting. Generally speaking, it is a good idea to allow 30 days notice.

c) Copy these letters to your 9-1-1 service provider (typically, the LEC).

This step begins the process of developing the cost estimates, workload estimates, and technology choices available to you on an individual case basis.

STEP 4 Planning Meeting

Conduct a get-to-know-one-another meeting with all of the participants that will be involved in your implementation process. Indicate to them that you will not discuss proprietary issues.

a) This meeting should include:
- all of the wireless carriers (may include any subcontractors they utilize)
- your 9-1-1-service provider
- your CPE provider
- your CAD vendor
- your mapping vendor.

Attempt to resolve the following issues at this meeting:

b) The method of Wireless 9-1-1 call delivery to be employed, agreed to by all participants. It will be CAS, NCAS, or a Hybrid CAS solution.

c) Establish how the number of trunks from each wireless carrier to the selective routing tandem(s) will be determined. NENA will be issuing an official recommendation later this year:
- The 9-1-1 authority and the wireless carrier should establish geographic areas to be served by 9-1-1 trunk groups. These geographic areas may be as small as a single city or as large as an entire state. It is expected that many will serve a county or small group of counties.
- The wireless carrier is responsible for determining how many trunks are required to provide a P.01 grade of service to the designated geographic area and communicating that information to the 9-1-1 authority.
- Establishing trunk groups for specific defined geographic areas provides congestion control (management of the volume of calls from any one geographic area) and facilitates default routing assignments.

d) Determine if you will establish a separate set of wireless 9-1-1 trunks from the selective routing tandem to your PSAP(s). Note the cost for these would probably be borne by the PSAP authority.

e) Separate wireless trunk groups are not necessary but they do provide a guard against the blocking of wireline 9-1-1 calls in the event of a major incident in public view. This does not necessarily mean a total duplication of the wireline trunk group to the PSAP. You need to discuss this thoroughly with your 9-1-1-service provider.

f) As mentioned in Step 1, your PSAP is, almost certainly, going to have to grow to accept wireless calls. Once the total offered load from all the wireless carriers has been computed, your 9-1-1 service provider will assist you in determining how many additional trunks, if any, are required to the PSAP.

g) Select default and alternate PSAPs. Make sure everyone involved understands the difference.

h) Identify if any of the players are utilizing subcontractors. You should understand the role and responsibilities of the subcontractors, as well as who is accountable for their performance.

i) Ask all of the players how they will implement Network Reliability Council and NENA recommendations regarding diversity and redundancy. Ask for explanations of how calls will flow (or not flow) if individual components or communications links fail.

j) Talk about pANIs (pseudo Automatic Number Identification), ESRDs (Emergency Services Routing Digits) and ESRKs (Emergency Services Routing Keys) so that you understand what they are. You will be involved in making a choice concerning which of these methods of identifying cell sites and or cell faces will be employed in your system. Ask about the effects each will have on your ALI information, the ability to identify your response agencies, the support of Selective Transfer, and the flexibility for PSAP reassignment.

k) Discuss cell sector naming conventions. Establish what information will go in the Subscriber Name field versus the Street Address field. NCAS requires the creation of default records in the ALI database that may require special attention.

l) Determine if any of the issues described above create any special demands on, or problems for, your CPE.

m) Determine how your mapping system, if you have one, will interface with the wireless calls and be used to identify the responders assigned to the area covered by the cell/sector. It might also be used to facilitate transfers to neighboring PSAPs. If it can do any of these things, it may give you more flexibility and more choices. Computerized mapping is not mandatory, but is absolutely recommended, especially in Phase II.

n) Attempt to determine, in general terms, what costs the wireless carriers, 9-1-1 service provider and PSAP CPE supplier intend to bill to the PSAP authority, if any. Ask specific questions about circuit costs, database interface costs and engineering fees. Details should be obtained in writing in private meetings.

o) Note: In 1999, the FCC removed the requirement that a cost recovery mechanism (for the wireless carrier's costs) be in place for Phase I implementation to begin. Your state, however, may already have established a mechanism for carrier cost recovery. The FCC ruling does not preempt any state or local mechanisms.

p) Provide a mechanism for your wireless carriers to interface with your 9-1-1 service provider, so that each understands the other's role. They will need to communicate regarding the ordering of trunks (from the MSC to the selective router) and database access, among other things. Your goal is to help establish this working relationship and make sure it continues until implementation is completed. Do not allow them to stop talking to each other or to start talking to each other only through you. Be vigilant and stay involved, but don't do their job for them.

q) Do not assume that the carrier representatives understand how wireless 9-1-1 works or how it relates to your current 9-1-1 system. Some will and some will not.

r) Identify the primary contact for your system or PSAP, so that everyone knows who to keep in the loop.

s) Identify the specific individuals in each company that will be managing their portion of the implementation. Ask for telephone numbers, pager numbers and e-mail addresses.

t) Identify the NENA company ID and 24X7 contact number for each carrier.

u) Develop a test plan that describes, in detail, all the aspects of the testing phase. Ask each carrier to submit a test plan. You have the option of allowing each carrier to use their own plan, or developing a master test plan from those you receive. Do not let any carrier connect without providing a test plan.

v) Arrange for individual meetings to discuss anticipated workload, cell routing, subscriber base in your coverage area and any other proprietary issues.

w) Discuss any applicable state or local legislation or regulations. Keep in mind that 9-1-1 service providers, specifically the LECs, are regulated at the state and federal level, but wireless carriers are only regulated at the federal level.

x) Set time lines to move forward if you feel comfortable with the information you have received. If you need to obtain more information before a final decision is made, make that known.

y) Establish trouble reporting procedures and expectations.

z) Establish notification procedures for major outages.

Once this meeting has ended and a decision has been made, you will need to stay active with all the parties involved as you proceed through the implementation process. Each company will probably assign a Project Manager to coordinate their internal activities, but you will be (or provide) the overall Project Manager.

STEP5 Identify Cell Coverage – Treatment of Proprietary Information

a) The wireless carriers can provide you with RF coverage maps for all the cells in your service area. This usually requires execution of a non-disclosure agreement or other proprietary information release form. This is a fairly standard procedure for the provision of RF coverage maps, and will typically require the assistance of legal counsel.

b) From these maps, you will be able to associate individual cells and sectors with individual PSAPs. The goal is to identify the cells/sectors in each PSAP's service area, in order to establish call routing assignments. Wireless calls may not necessarily route to the same PSAP as wireline calls from the same area. The 9-1-1 authority may choose to route all wireless calls to a single PSAP or subset of PSAPs.

c) Cells along the border should be reviewed to determine if the majority of the serving area of one or more sectors is in the jurisdiction of a neighboring agency. This will determine routing for those sectors to your system versus someone else's.

d) This review should be done during face-to-face meetings and you should consider having representatives from the PSAPs/systems immediately surrounding yours present. This will assist in determining which PSAP will accept calls from cell sites along the borders and eliminate any contention down the road.

e) Keep in mind that you will have to perform this step with each carrier individually. They will share their RF coverage information with the PSAP authority on a one-on-one basis, but will absolutely not share it with their competitors in the room. If your area is served by two 800 MHz cellular carriers, three 1.9GHz PCS carriers and an ESMR carrier, plan on having six separate meetings.

f) 9-1-1 systems are very often deployed on a county or state level. Wireless telecommunication systems are deployed according to FCC-franchised trading areas, which may cover an entire state or parts of several states. To get optimum cooperation and results from the carriers, try to address Wireless 9-1-1 at the scale of the trading area or as close to it as possible. This may require a cooperative effort among several PSAP authorities.

STEP6 Implementation

Develop an implementation plan based on the output from the planning meeting. 9-1-1 service providers and some wireless carriers often provide project management assistance.

a) Issue Purchase Orders and/or Letters of Intent, as appropriate. You will need to issue some type of written order to each wireless carrier, your 9-1-1 service provider, your CPE provider and any other vendors involved in the project.
   - Even if no money will change hands, a written document is required to constitute an official order for service. The six-month implementation clock starts only after a valid order has been received.

b) Hold regularly scheduled project meetings. Have each player provide a status report. Proprietary details should be discussed privately. Track the progress of each player. Try to identify potential problems sooner rather than later.

c) Try to hold to a firm but flexible schedule. Deadlines will be missed, but should be immediately rescheduled. Activities for which there is no target date may never be completed.

d) Stagger the cutover schedule. Don't attempt to activate Phase I service from six carriers on the same day. Spread them out, especially the first two or three. You may want to schedule one carrier on Monday and another on Wednesday of the first week. If all goes well, you can accelerate the schedule for the remaining carriers. If you have problems, you will have time to address them before the next carrier compounds the problem.

   - Do not schedule cutovers on Friday or the day before a holiday. You want the carriers and your 9-1-1 service provider to be fully staffed the first 2-3 days of operation.

e) Post-implementation items that should be included in a Service Agreement:
   - Determine method for obtaining new and revised cell information from the carriers.
   - Determine method of notification for new carriers entering your serving area.
   - Track call volumes to determine ongoing trunking requirements.
   - Obtain usage data from carriers for MSC-to-9-1-1 tandem trunks.
   - Obtain usage data from 9-1-1 service provider for tandem-to-PSAP trunks.

Major Wireless Carriers

AT&T Wireless
15 East Midland Ave
Paramus, NJ 07652
Attention: Mr. Peter White

Cingular Wireless
2110 New Market Parkway
Suite 200
Marietta, GA 30067
Attention: Ms. Candice Miller

Nextel Wireless
2001 Edmund Halley Drive
Reston, VA 20191
Attention: Mr. Robert D. Montgomery

Sprint PCS
11880 College Blvd
Suite 1027
Overland Park, KS 66212
Attention: Mr. Ned Awad

Verizon Wireless
1 Verizon Place
MC G A3B1REG
Alpharetta, GA 30004-8511
Attention: Mr. John Buchanan

T-Mobile Wireless
12920 SE 38th Street
Bellevue, WA 98006
Attention: Mr. Allan Goldsmith

SAMPLE PHASE I REQUEST LETTER

ON YOUR LETTERHEAD

April 14, 2002

Mr. Peter White
AT&T Wireless
15 East Midland Ave
Paramus, NJ 07652

VENDOR ADDRESS AND CONTACT PERSON

Dear Mr. White:

ITALIC TEXT SHOULD BE REPLACED WITH LOCAL INFORMATION

By this letter *Montgomery County, Maryland* formally requests of *AT&T Wireless* Phase 1 Wireless Enhanced 9-1-1 service as defined in the Federal Communications Commission (FCC) Report and Order 94-102.

The *Montgomery County 9-1-1 Emergency Communications Center* (ECC), which is the primary Public Safety Answering Point (PSAP) serving *Montgomery County*, has, with the assistance of Verizon, the Local Exchange Carrier (LEC), upgraded its PSAP based equipment to receive the Automatic Number Identification (ANI) information and Automatic Location Identification (ALI) information required in Phase 1.

We look forward to working with you to implement Phase 1 within six (6) months of the date of this letter as per FCC 94-107 and no later then *October 14, 2002* to further improve the effectiveness of 9-1-1 service in Montgomery County Maryland.

The ECC point of contact for this project *is John Crabill, ECC 9-1-1 Projects Coordinator. Mr. Crabill* can be reached at *240-777-0756 or at crabij@co.mo.md.us*

Please contact *Mr. Crabill* at your earliest convenience so that we may discuss the implementation of this request.

Sincerely,

Steve Souder, Director, ECC

cc: **LIST SHOULD INCLUDE ALL CONCERNED PARTIES (SEE ATTACHED SHEET)**

Copy: Michael K. Powell, Chairman FCC
Kathleen Q. Abernathy, FCC Commissioner
Michael J. Copps, FCC Commissioner
Kevin J.Martin, FCC Commissioner

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Your County Executive
Your County Council President
Your Chief of Police
Your Chief of the Department Fire Rescue Service
Your Department of Information Systems & Telecommunications

Anthony Myers, Acting Chair, Maryland ENSB
J. Scott Whitney, Coordinator, Maryland ENSB

DPSCS/ENSB
6776 Reisterstown Road – Suite 207
Baltimore, Maryland 21215

John Ramsey, Executive Director, APCO
Woody Glover, Director, APCO 9-1-1 Department
William Hinkle, Chairman, APCO Project LOCATE

APCO International, Inc.
World Headquarters
351 N. Williamson Blvd.
Daytona Beach, FL 32114-1112

James Goerke, Executive Director (Acting), NENA

NENA
422 Beecher Rd.
Columbus, OH 43230

Kathleen M. Cerrati, Verizon
Raymond Mack, Verizon
Robert Drake, Verizon
Walter Puller, Verizon

Verizon
1 East Pratt Street
Baltimore, MD 21202

SAMPLE LETTER REQUESTING PHASE I OF WIRELESS 9-1-1 SERVICE

To Be Printed On Your Letterhead

Date

Regulatory Representative
Wireless carrier name
Address

Dear Mr./Mrs……

RE: Phase I Wireless 9-1-1 Service Request

Having met all of the requirements for Phase I Wireless 9-1-1 service per FCC Report and Order 94-102, I hereby request the installation of Phase I wireless services from your company..

I suggest that we schedule a meeting with your 9-1-1 manager within the next two weeks at my office to discuss the implementation process. Please ask that your 9-1-1 manager contact me within a week to set up a meeting date and provide me information about your staff members that will be attending.

This meeting is important to assist us in understanding your Phase I plans and to be certain that we are doing our part to assist your implementation. We expect to discuss such issues as timelines for deployment, responsibilities, and discussion about the characteristics of the location technology that you have selected.

We plan to also request representatives of our local exchange carrier and equipment vendors to attend the meeting and discuss important network issues and technical issues.

I am looking forward to working with you in this project. If you have questions please call me nxx-xxxx or email me at xxx@xxx.

Yours truly,

CC LEC representative
CPE vendor
CAD vendor

Anne Arundel County Police Department
Millersville, Maryland

Communications Procedure

Memorandum: 02-003

To: All Communications Personnel

From: Cathy A. Kurnas, ENP
Communications Manager

Effective Date: April 25, 2002

Subject: Incoming Wireless 911 Calls

Message:

Recently you may have received incoming test calls from assorted cellular telephone companies providing service to this area. As we prepare to begin accepting live 911 calls from cellular telephones, it is very important that everyone understand exactly what data is going to be transmitted to our ALI screens, and how we are to respond to that data.

All incoming wireless 911 calls will display the telephone number of the cell phone, the name the phone is registered to, the name of the cellular telephone company that provides the service, and the cell tower location closest to the area of the phone that is dialed.

The 410-511-0000 number assigned to line A on your ALI screen is a pseudo telephone number assigned to the cell tower and does not require any type of response from you, the call-taker. (*example attached*).

When you receive a call from a cellular telephone caller, you are to handle that call no differently than you do any other incoming 911 call. If no one is on the line, or you have an open line with background noise suggesting that the phone has accidentally dialed 911, you are to redial the number using the ringback feature at your position and attempt to contact a live person. If in the event of calling back, it is answered by an answering machine, leave a message with your ID number, our agency name, and advise we received a 911 hang up call from the cell phone. Advise if they have an emergency to call 9-1-1 and remain on the line, if they have no emergency they are to secure their telephone to avoid repeated calls to 911. If a recording states that the subscriber is not available to receive calls, no further action is to be taken.

If no one answers the cell phone, or if the line is busy, enter the call in CAD as a Wireless Hang-up handled by the calltaker: Nature Code "AAW". *This type of call will not go to the dispatcher, it is held at the calltaker level as a "transferred call".* Enter in notes "the call is busy on call back", "no answer", or "the call received was an open line". To bring the call back up enter "TC" for transferred call at the enter prompt. All calls that are still open appear in red, those closed appear in blue.

Call back in two minutes and enter notes into the active call that the line is still busy or no answer. After calling back twice, the immediate ringback and the follow-up, and notes are entered into the CAD call, if the line is still busy or no answer close the CAD call no further action is required.

If a person does answer, determine if they have an incident that requires police or fire response. If there is no emergency or the dial-up was accidental, ask the caller to secure their telephone to avoid repeated calls to 911. If the caller indicates an emergency, appears to be ambiguous, or if you feel it is necessary to dispatch units, the following procedures are to be followed:

1. **Obtain location of incident**
2. **Obtain caller's name, and verify the cellular telephone number of the caller.**
3. **Include all pertinent information in the note field of the call.**

If the caller cannot offer you any information you are reminded that Phase I (our current phase) will only provide the address of the ***closest cell tower location,*** not the location of the incident. If it becomes apparent that someone has an emergency, but is not in a position to provide you with information pertaining to their whereabouts (example: abduction) you are to contact the Wireless providers 24 hour security number (located in Cad under INFO FILE: Wireless Providers) and request that a ***high priority search*** take place. KEEP THE CALLER ON THE LINE!

***Please note that some providers may require that a follow-up letter on departmental letterhead be faxed to their offices. This form letter will be available behind channel 5. The shift supervisor will then fill out the form and fax it to the appropriate agency. ***

Once the subscriber information is obtained, and all efforts have been exhausted on the 911 center's part, initiate a 911 call for service to the residence of the caller. An officer will then investigate the validity of the call and take necessary action appropriate to the investigation. This response is similar to a Signal 911 call from a wired phone. If the subscriber lives outside Anne Arundel County, turn the call over to the law enforcement agency serving the callers area.

E911 Violations, Phase 1 or Phase 2 Implementation Requirements

There are two primary methods by which to notify the Enforcement Bureau of violations by carriers of E-911 Phase 1 or Phase 2 Implementation Requirements. One method is to informally notify the Bureau about violations. The second method is to file a formal complaint pursuant to Section 208 of the Communications Act.

Informal Information

Persons who do not wish to file a formal complaint, but who wish to inform the Bureau of evidence that a violation of the E-911 Implementation Requirements has occurred so that the Bureau may decide to initiate an investigation, if appropriate, may contact the **Technical and Public Safety Division.** You may contact ***Kathryn Berthot, Senior Attorney at 202 418 1160*** to discuss such matters.

While you don't need to spend a lot of time or money putting information together in advance, when you contact the staff, it does help to provide as much factual information concerning the alleged violation as possible, and to be able to substantiate your claims. Documentary materials (copies of letters, e-mails, etc.), or testimonial evidence in the form of sworn affidavits, is particularly helpful. It is also useful if you can identify particular provisions of the statute or the rules that you believe have been violated. The more specific you can be, the faster the Enforcement Bureau can determine if enforcement action is warranted. Keep in mind, though, that this process does not require any ultimate decision by the FCC.

Formal Section 208 Complaints

Persons interested in filing a formal Section 208 complaint alleging violation of an E911 rule should take the following steps.

Call Us First. If you are contemplating filing a formal complaint, we strongly encourage you to contact the staff in the **Market Disputes Resolution Division** before filing. You may contact ***Radhika Karmarkar, Deputy Division Chief, or Tejal Mehta, Attorney-Advisor, at 202-418-7330.*** There are many advantages to contacting the staff before filing a complaint. The staff has stepped up its efforts to mediate disputes between industry participants before a complaint is filed. In many cases, the staff can discuss the dispute together with the potential complainant and the potential defendant and help facilitate a private settlement acceptable to both even before the filing of a complaint. Mediation does not work in every case, but you might be surprised (or perhaps not) how often the stonewalling and unsupportable arguments disappear when Commission staff is in the room. Most importantly, the mediation approach often results in quick resolution of disputes in a way that better fits the business needs of the companies. And, indeed, the

mediation process is a prerequisite before the staff will accept a case on the Accelerated Docket (see below for more information on the Accelerated Docket). Even if mediation does not resolve the dispute, talking to the staff first can help answer any questions you may have concerning procedures, emphasize certain requirements that must be satisfied, and help focus the key issues in any complaint that is filed.

Read the Rules. Before filing a formal complaint, carefully review the procedural rules governing section 208 complaints. These rules are important. The staff follows them carefully and enforces them. Failure to comply with the rules can result in dismissal of the complaint. You should feel free to contact the staff to discuss these procedures and ask any questions. **The rules governing formal complaints (including the procedures governing the Accelerated Docket) are found in the Code of Federal Regulations at 47 C.F.R. Sections 1.720-1.736 (1999). For additional information, you may want to look at the FCC's Report and Order that adopted these rules, which is published in the FCC Record at 12 FCC Rcd 22497 (1997). The specific rules governing the Accelerated Docket are published in the FCC Record at 13 FCC Rcd 17018 (1998). A filing fee is required for all formal complaints. See 47 C.F.R. section 1.1105 (1999).**

Factual Support. If you do file a formal complaint, provide as much factual support for your case as possible. This can be in the form of sworn affidavits, documentary evidence, etc. Do not assume that you will be able to engage in lengthy discovery after you file your complaint in order to develop the facts.

Use Discretion. Not every dispute involving E-911 is appropriate for a formal complaint. Potential complainants should take a hard look at potential cases and bring us cases that really matter. Our resources are finite, and the industry needs to use discretion in filing complaints if you want us to be there when it really counts. For our part, in an effort to be able to tackle complaints quickly when they are filed, we have made great strides in reducing the number of complaints pending before the agency. We have accomplished this through mediation, formal settlement, and written decisions. We continue to work on reducing the number of cases pending before the agency. This will free our staff to address new competitive disputes as they arise and should reduce significantly the amount of time it takes to get a complaint resolved.

Accelerated Docket. The Accelerated Docket is available for selected formal complaints. Because this procedure may lead to a ``mini-trial'' with testimony by witnesses subject to cross-examination, it is particularly well suited for cases involving difficult factual disputes. It is designed to lead to a written staff-level decision within 60 days from the filing of the complaint. Because the Accelerated Docket rules require staff-supervised pre-filing settlement discussions between the parties, many disputes are settled without the need to file a formal complaint. In fact, such settlements are a real success story of the Accelerated Docket procedure. Please contact the staff if you would like to have a potential complaint considered for acceptance onto the Accelerated Docket. It is important to understand that not all cases are suitable for this expedited procedure. The staff, in its discretion, decides which cases to assign to the Accelerated Docket.

Although you may be disappointed if the staff declines to assign your particular case to the Accelerated Docket, you always are free to file a ``traditional'' formal complaint and have that complaint adjudicated by the FCC.

For more information on the Commission's requirements regarding E911 and other 911 requirements, click **here.**

For more information regarding enforcement actions taken by the Commission in the E911 area click **here.**

Last reviewed/updated on Fri Sep 27 10:07:30 EDT 2002

Federal Communications Commission
445 12th Street SW
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More FCC Contact Information...

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